

ORDINANCE NO. 2014-08

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR SPECIAL USE PERMIT SUP13-07 (AT&T MOBILITY) FOR AN SUP ALLOWING THE LOCATION OF A COMMUNICATION ANTENNA ON PROPERTY LEGALLY DESCRIBED AS ABST 3 PT OF RES F (6-1) CLEAR CREEK CROSSING, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 1-45 AND WESLEY DRIVE, WITH THE ADDRESS OF 352 N. GULF FREEWAY IN LEAGUE CITY, TEXAS.

WHEREAS, at the May 1, 1999 General Election the qualified voters of the City of League City voted that staff proceed with the concept of zoning for the City; and

WHEREAS, on August 10, 1999, the City Council of the City of League City, Texas (the "Council") adopted Ordinance No. 99-52 amending the Code of Ordinances of the City of League City to add Chapter 125 regarding Zoning; and

WHEREAS, on August 30, 2005, the Council adopted Ordinance No. 2005-24 amending Chapter 125 of the Code of Ordinances of the City of League City, Texas (the "Code of Ordinances") and adopting zoning ordinances consistent with the Comprehensive Plan for the City of League City, Texas; and

WHEREAS, Section 125-50 provides that the City Council may grant a special use permit for special uses that are otherwise prohibited by this ordinance, and may impose appropriate conditions and safeguards to conserve and protect property and property values in the neighborhood; and

Whereas, on April 13, 1999, the City Council adopted Ordinance No. 99-21 establishing Chapters 31 of the Code of Ordinances regarding Communication Towers and Structures; and

WHEREAS, the owner of that certain 1.0-acre parcel of land legally described as portions of Lots 103 and 111 (103-3) Division D of League City, as shown on the map in Exhibit "A", which parcel is currently zoned Open Space, is requesting a special use permit for a " collocation of communication antennae;" and

WHEREAS, the City Council considered the affirmative recommendation of the Planning and Zoning Commission and duly conducted a public hearing as required by law; and

WHEREAS, the applicant presented adequate testimony that the proposed use for collocation of communication tower antennae is consistent with the standards for issuance for a special use permit; and

WHEREAS, the City Council has discretionary authority under Ordinance No. 99-52 and applicable law to grant or withhold approval of a special use permit; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. A special use permit for the location of a communication antennae use is hereby granted for the land legally described as ABST 3 PT OF RES F (6-1) CLEAR CREEK CROSSING of the City of League City, as shown on the map in Exhibit "A" subject to the following conditions:

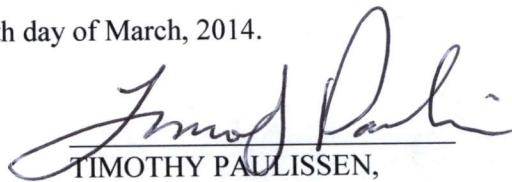
1. The communication tower shall be a monopole camouflaged as a flagpole. The flag shall be a City of League City flag which is appropriately proportioned to the height of the tower and maintained by the owner of the tower.
2. The area shall be screened with landscape that is at least five feet high. All fencing shall consist of black PVC, and shall be screened with a continuous hedge of evergreen shrubs on all sides, which should develop into full screening five (5) feet tall within twenty-four (24) months. The City Arborist has recommended Southern Wax Myrtle for the continuous hedge.
3. The minimum setback to the rear property line shall be 3 feet, and the minimum setback from the southern property line shall be 60 feet. All other setbacks shall meet the requirements of the ordinance.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

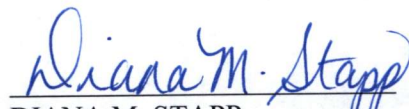
PASSED first reading the 11th day of March, 2014.

PASSED second reading the 25th day of March, 2014.

PASSED AND ADOPTED the 25th day of March, 2014.


TIMOTHY PAULISSEN,
Mayor

ATTEST:


DIANA M. STAPP,
City Secretary